

Amendment dated 12/01/04
Office Action dated 09/01/04

Application No. 09/321,360

REMARKS

Claims 1-19 are pending. Claims 1-19 are rejected by this Office Action. The Applicant thanks the Examiner for withdrawing the 35 U.S.C. 101 rejections.

Other Amendments

In claim 1, the Applicant has amended claim 1 to replace "additional components" with "the additional components" in element (d) because an antecedent basis has been established.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 4, 5, 6, 7, 10, 11, 12, 13, 16, 17, and 18 are rejected by the Office Action under U.S.C. 103(a) as being obvious over US 4,937,743 (Rassman). Regarding claim 1, the Office Action alleges that the feature of "compiling a listing of **additional components** for implementation into the existing system" is taught by Rassman as cited in column 3, lines 7-11. (Emphasis added.) As admitted by the Office Action, Rassman "discloses that the **resource information** in the database can be updated to have the most recent data." (Emphasis added.) Rassman teaches (Column 3, lines 7-11. Emphasis added.):

In one of its preferred configurations, the invention contemplates providing access to a data base to permit continuous updating of the information stored therein so that when **resource utilization** is displayed it reflects the most recent data in the data base.

Rassman teaches continuous updating of information for existing components but does not teach the feature of "compiling a listing of **additional components** for implementation into the existing system". (Emphasis added.) Rassman merely teaches a data base that stores information (e.g., resource utilization) about a resource (an existing component) rather than a listing of additional components. Moreover, Rassman fails to suggest compiling a list of anything. The Office Action further argues that "in Col. 7, lines 55-57, Rassman discloses that the remaining operating rooms could be scheduled in a similar fashion as the first set of operating rooms in 'Case abc'." (Page 8, item 5.) Rassman does disclose (Column 7, lines 53- 61):

In FIG. 1, the vertical rectangle, labeled "Case abc" is the scheduling indicator. In similar fashion, the remaining operating rooms could be scheduled and scheduling indicia displayed. As long as nothing is planned for one of the primary resources

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at a particular time, the blank screen or "open" at that location would constitute the scheduling indicator

However, Rassman does not suggest scheduling a second room to "Case abc" (which the Office Action appears to equate to "a system" in claim 1) but rather to another case, e.g., Case def as shown in FIG. 1, which corresponds to a different system. (Assigning a second room to "Case abc" requires that the operation be transferred to another operating room while the patient is being operated on. This is clearly not the intent of Rassman's teachings.) For at least the above reasons, Rassman does not teach or even suggest the feature of "compiling a listing of additional components for implementation into the existing system." The Office Action further alleges that Rassman teaches the feature of "determining a second set of additional components for implementation in a second implementation phase". Rassman does disclose (Column 4, lines 66 – column 5, line 8. Emphasis added.):

A supplemental, or transitory data base, preferably integrated with the primary data base, can also be employed to **store information more frequently changed than the information in the primary data base**. The transitory data base could include information about the planned utilization of a given resource on a particular day or at a particular time. Tasks or procedures waiting to be scheduled could also be in the transitory data base.

In the above teaching of Rassman, both the primary data base and the supplemental (transitory) data base merely store information about "a given resource" (same component) and does not relate to an additional component. Also, Rassman discloses (Column 8, lines 21-24):

In the event it is decided to display secondary resources within cells, such secondary resource displays could be used to indicate conflicts. For example, if Doctor S were scheduled simultaneously in two operating rooms, the display of Doctor S as a secondary resource in either or both of those cells could be made to flash. Such flashing would, in that embodiment, constitute the conflict indicia.

The above teaching of Rassman merely teaches about displaying a secondary resource. While the Office Action appears to equate a secondary resource with "a second implementation phase", both primary resources and secondary resources, as taught by Rassman, are necessary for the first implementation phase. For example, both an operating room (which appears to be equated to a primary resource by the Office Action) and a doctor (which appears to be equated to a secondary resource by the Office Action) are necessary for an operation. For at least the above reasons, Rassman does not teach or even suggest the feature of "determining a second set of the

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additional components for implementation in a second implementation phase." Thus, claim 1 is patentable over Rassman.

Regarding independent claims 7 and 13, the Office Action alleges that "computer programs, code segment and logic are inherent with Rassman, et al's system because [since] he teaches that this method is carried out in a computer system, computer programs using code segments and logic is absolutely necessary for the computer to successfully process information and produce results." Hence, claims 7 and 13 are patentable over Rassman for at least the same reasons as discussed above. The Applicant requests reconsideration of claims 1, 7, and 13.

Claims 4, 5, 6, 10, 11, 12, 16, 17, 18, and 19 ultimately depend from claims 1, 7, and 13 and are patentable for at least the same reasons as discussed above. Thus, the Applicant requests reconsideration of claims 4, 5, 6, 10, 11, 12, 16, 17, 18, and 19. Furthermore, regarding claim 19, the Office Action alleges that Rassman teaches the feature of "separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly." Rassman does disclose (Column 12, lines 14-24. Emphasis added.):

The system can also be made to take certain actions automatically. For example, if a **piece of equipment** must be warmed up for a predetermined period of time before use, the method of the instant invention would encompass having the system **energize that piece of equipment** when a particular milestone in the procedure has been completed. Similarly, in an industrial setting, the system could automatically cut purchase orders or open molds when certain predetermined milestones are reached.

In the above teaching of Rassman, the Office Action appears to equate a piece of equipment to a primary resource and an action about the piece of equipment (an existing component) to a secondary resource. However, Rassman fails to teach about primary components and secondary components. Rassman does not even suggest the feature of "separating the remaining components into primary components and secondary components, wherein the primary components must be installed before the secondary components can function properly."

Claims 3, 9, and 15 are rejected by the Office Action as being unpatentable over Rassman in view of US 5,208,765 (Turnbull). As discussed above, regarding claims 1, 7, and 13, Rassman does not teach or even suggest the features of "compiling a listing of additional components for implementation into the existing system", "determining a first set of the additional components

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for implementation in a first implementation phase", and "determining a second set of additional components for implementation in a second implementation phase." Moreover, Turnbull does not make up for the deficiencies of Rassman. Claims 3, 9, and 15 depend from claims 1, 7, and 13 and are patentable over Rassman in view of Turnbull. Thus, the Applicant requests reconsideration of claims 3, 9, and 15.

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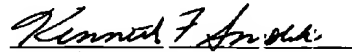
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CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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